

Serial No.: 09/457,049

Attorney Docket No.: 1999P07399US01

REMARKSStatus of Claims

Claims 1-7, 9-33 and 35 are pending. Claims 1, 6 and 16 were amended by the above amendments without adding new matter. For ease of discussion, claims rejections may be discussed below as if applied even to claims amended above.

Per the Office Action:

Claims 1-3, 16, 21-23, 26 and 27 stand rejected under 35 U.S.C. §103(a), (hereinafter, "Section 103(a)") as being unpatentable over Wood et al. (U.S. Patent 6,091,808) (hereinafter "Wood").

Claims 4, 17-20, 28, and 33 stand rejected under Section 103(a) as being unpatentable over Wood in view of Brennan et al. (U.S. Pat. 5,329,578), (hereinafter, "Brennan").

Claim 24 stands rejected under Section 103(a) as being unpatentable over Wood in view of Cheston, III et al. (U.S. Patent 6,330,308) (hereinafter, "Cheston").

Claim 25 stand rejected under Section 103(a) as being unpatentable over Wood in view of Herbst (U.S. Patent 4,941,170).

Claim 5 stand rejected under Section 103(a) as being unpatentable over Wood in view of Brennan and further in view of Kugell et al. (U.S. Patent 5,802,160) (hereinafter, "Kugell").

Claims 6, 9-15, 29-32 and 35 stand rejected under Section 103(a) as being unpatentable over Kugell in view of Brennan.

Claim 7 stands rejected under Section 103(a) as being unpatentable over Kugell in view of Brennan and further in view of Will (U.S. Patent 5,905,789).

Independent Claim 1

Claim 1, along with claims 2-3, 16, 21-23, 26 and 27, stands rejected under Section 103(a) as being unpatentable over Wood.

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Claim 1 as amended recites, among other recitals:

... automatically sending, by said computer system, a message via a first contact method toward, at least, a person other than said called party, said first contact method associated with a contact in said contact list, said message requesting location information regarding said called party;

receiving a response to said message from said person, said person being other than said caller, said response indicating a second contact method, other than said first contact method, for attempting to reach said called party; and

automatically processing the response to facilitate use of said second contact method to attempt to reach said called party.

[underlining indicates added text]

As can be seen, claim 1 has been amended to make more clear that the "response" from the "person other than said called party" is a response in which the person is "other than said caller". There is ample support in the specification for such an amendment. For example, at page 6, lines 15-32 of the specification, examples are given that include a response from a party (Party C) for a different party (Caller A) for helping to locate a third party (Called Party B).

Accordingly, claim 1 addresses the Examiner's concern from the Response to Arguments section of the Office Action. In particular, the Examiner had contended, with regard to the pre-amended claim 1, that "[s]ince it's not clear as to what '... a person other than a called party ...' is, examiner assumes that the person is the caller ...". As amended, claim 1 makes even more clear that the "person" is not the caller.

Accordingly, the Examiner's analysis of claim 1 that led to the rejection of claim 1 is even more clearly not tenable.

Accordingly, it is seen that Wood does not teach or disclose a "response" as recited in claim 1 to a "message" as recited in claim 1 from a "person" as recited in claim 1 who is other than the called party and who is other than the caller. Furthermore, Wood does not even suggest or motivate such features that are recited by claim 1. On the contrary, as the Examiner concedes, Wood does not even teach or suggest the task of locating a called party; much less the specific set steps from claim 1 for enabling locating a called party. Accordingly, Applicants respectfully submit that

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claim 1 is allowable under Section 103(a) over Wood for the just-stated reasons and for previously-stated reasons.

Independent Claim 16

Claim 16, along with claims 1-3, 21-23, 26 and 27, stands rejected under Section 103(a) as being unpatentable over Wood.

Claim 16 as amended recites, among other recitals:

... a locator (60) capable of sending out location request messages, in response to invocation by a calling party who is seeking to locate said called party, and receiving and handling responses, wherein a response by a person other than said calling party, to a location request message sent to a first destination (22a), indicates a second destination which is to be subsequently called to reach the called party, and said first and second destinations are of different multimedia types.

[underlining indicates added text]

As has been discussed above in connection with claim 1, the rejection of the pre-amended claim 16, like the rejection of the pre-amended claim 1, relied on an interpretation in which Wood allegedly taught or suggested a response by the calling party himself. Claim 16, like claim 1, has now been amended to more clearly exclude such an interpretation. Accordingly, Applicants respectfully submit that claim 16 is allowable under Section 103(a) over Wood at least for similar reasons as is claim 1 and for previously-stated reasons.

Claim 6

Claim 6, along with claims 9-15, 29-32 and 35 stand rejected under Section 103(a) as being unpatentable over Kugell in view of Brennan.

Claim 6, as amended, recites:

*A method for locating a called party comprising:
receiving a single request to locate a called party;
automatically sending, in response to said single request,
messages to multiple parties listed in a contact list requesting location
information regarding said called party;*

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*canceling outstanding messages when a response is received to
said messages, said response being from a person, said response being
from other than said called party, and said response including location
information regarding said called party; and
*presenting said response to a calling party.**

[underlining indicates added text]

As can be seen, claim 6 as amended recites "canceling outstanding messages when a response is received to said messages", "presenting said response to a calling party", "said response being from a person, said response being from other than said called party, and said response including location information regarding said called party".

The Office Action contended that Kugell teaches the sending and canceling steps of claim 6. An earlier office action, mailed December 30, 2002, contended that Brennan teaches the presenting step of claim 6. (See, office action, mailed December 30, 2002, top of page 8, in connection with claim 8, which has since been canceled and at least substantially incorporated into claim 6.) Applicants respectfully disagree that these steps of claim 6 as amended are taught by the combination of Kugell and Brennan.

Kugell merely "simultaneously signals" a "plurality of telephone numbers" hoping that a desired party will answer the telephone at one of the telephone numbers, and thereby complete a call. (See Kugell, Abstract and col. 2, lines 23-32 and 57-62.) As can be seen in Kugell, Kugell teaches that signaling be stopped at all of the telephone numbers when one of the telephones is picked up (i.e., taken off-hook) or is picked up by the called party. (See Kugell, col. 2, lines 23-32 and 57-62.) Consider the example that the phone pick-up is not by the called party, which is the example of interest, given that claim 6 recites "said response being from other than said called party". Such a phone pick-up does not include location information regarding the called party. No, such a phone pick-up merely means that a phone was picked up. Accordingly, it is seen that Kugell does not teach and does not even suggest the response recited in claim 6.

Brennan does not provide the missing response or the presenting of such a

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response. On the contrary, Brennan specifically teaches, even within the specific portion cited by the earlier office action mailed December 30, 2002 (namely, Brennan, col. 13, line 63 to col. 14, line 6), that "... the caller will not know if his call is being announced[; h]e will receive the usual message indicating that an attempt is being made to contact the subscriber, and will either reach the subscriber (the call was accepted), continue to the next hunt location, or have the call completed elsewhere ...".

Therefore, it is seen that no such response as recited in claim 6 is taught, by Brennan or by Brennan combined with Kugell. And no such response is taught as being presented to the calling party. On the contrary, the only thing presented to the calling party in the cited portion of Brennan is "the usual message indicating that an attempt is being made to contact the subscriber". Again, it is seen that nothing in Brennan teaches that the "usual message" includes a "response ... from a person ... from other than said called party ... and ... including location information regarding said called party".

In the Office Action (page 9), in connection with claim 13, it was alleged that Brennan teaches that responses contain a contact method for reaching the called party at Brennan, col. 6, lines 42-45. Applicants respectfully disagree. The cited lines of Brennan merely state, in full:

"Other Devices" include the possible destinations for completing calls when a subscriber can't be reached. These can be a pager, a messaging system, or a private operator. Sufficient information is provided to allow PCS to complete the call to these destinations.
[Brennan, col. 6, lines 42-45]

The cited lines are an explanation of the "Other Devices" fields in a data structure called a "Subscriber Number List", which is illustrated in Brennan, Table 2.0, in col. 6. Accordingly, it is seen that the Subscriber Number List of Brennan is merely a list of pager or phone numbers that the system keeps for a telephone customer, and is not taught as part of any response to a messages sent to multiple parties listed in a contact list, as is recited by claim 6. The Subscriber Number List of Brennan is also

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otherwise deficient.

Accordingly, Applicants respectfully submit that Kugell combined with Brennan do not teach all elements of claim 6. Applicants respectfully point out, preemptively, that such a showing is not merely an argument against the references individually. No, the showing contains an argument against the references, together.

Applicants respectfully regret that the Response to Arguments section of the Office Action did not discuss Applicants' previous comments regarding claim 6. Applicants respectfully maintain Applicants' previous comments regarding at least claim 6 and incorporate them. To the extent that cited-art rejection of claim 6 might be maintained by the Examiner after reconsideration, Applicants respectfully request that the Examiner please provide support for any such remaining rejection by specific reference to cited art (e.g., for the "response", as recited by claim 6, and the "presenting" of such a response) and/or an affidavit as required by 37 C.F.R. § 1.104(d)(2).

Applicants respectfully submit that claim 6 is allowable under Section 103(a) over Kugell in view of Brennan for the just stated reasons and for previously-stated reasons.

Dependent Claims

Remaining claims 2-5, 7, 9-15, 17-33 and 35 all depend on, and include all limitations of, one of claims 1, 6 or 16. Accordingly, Applicants respectfully submit that these dependent claims are all allowable for at least the same reasons, discussed above and previously, as are claims 1, 6 or 16.

Applicants further respectfully submit that the dependent claims are further allowable for the features that they themselves recite, for example, as discussed previously and as is seen from the dependent claims themselves.

Applicants respectfully disagree with the assertions from the Office Action regarding the dependent claims. Such assertions are moot, in view of the above discussion of the respective base claims 1, 6 or 16.

To consider just one example of a moot assertion, consider that claim 21 recites that "said second contact method includes a telephone number that is entered in full in

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response to said message by a responding party" [underlining added for emphasis]. The Office Action contended that "the caller would ... dial the full telephone number" in response to the message. However, given that the "response" of claim 1 is from a person other than the caller himself, the Office Action's interpretation is not persuasive.

CONCLUSION

Therefore, Applicants submit that their invention is not disclosed, taught, or suggested by the references of record. Therefore, it is submitted that all of the claims are allowable over the art of record and it is respectfully requested that the application be passed to allowance.

Respectfully submitted,



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David D. Chung
Reg. No. 38,409
Phone: (650) 694-5339
Fax 650-968-4517

Correspondence Address:

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830